

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

CAROL L. FULLER

PLAINTIFF

v.

4:07-CV-01120-WRW

FIBER GLASS SYSTEMS, LP

DEFENDANT

ORDER

For various reasons I excluded the typewritten statement¹ of Ms. Patty Holmes which was collected by Mr. Randy Stockman during an investigation of Plaintiff's complaints regarding racial harassment/discrimination.

Defense counsel insists that the statement is admissible under Federal Rule of Evidence 803(6) "Records of Regularly Conducted Activity."

I believe that the language from McCormick is applicable. Attached as Exhibit "A" to this Order is a copy of the pertinent portions of this treatise.²

Despite Defendant's vigorous protest, I don't think the question is close.

The typewritten statement is excluded, period. If Defendant is to have relief from this ruling it will have to seek it "up North" (St. Louis or St. Paul).

IT IS SO ORDERED this 21st day of April, 2009.

/s/ Wm. R. Wilson, Jr.
UNITED STATES DISTRICT JUDGE

¹Plaintiff's Exhibit "L" (pgs. 105-06).

²2 McCormick on Evidence § 288 at 310-12 (6th Ed. 2006).